

Date: \_\_6-8-07\_\_

Kansas Department of Health and Environment  
Economic Impact Statement

Pursuant to the requirements of KSA 77-416, Kansas Department of Health and Environment submits the following economic impact statement.

**1. Regulation(s):**

KAR 28-36-101 thru KAR 28-36-109

**2. Brief description of each regulation(s) and what is intended to be accomplished by adoption.**

KAR 28-36-101. Definitions. Some definitions were reformatted for clarity. New definitions of “commissary” and “mobile food establishment” were added.

KAR 28-36-102. Management and personnel. Amendments to this regulation were made to correspond to the existing epidemiology regulations relating to foodborne illness.

KAR 28-36-103. Food. Amendments to this regulation were reformatting for clarity. Another instance where a variance shall be obtained from the regulatory authority was added.

KAR 28-36-104. Equipment, utensils and linens. Amendments to this regulation were reformatting for clarity. Added a statement were “warewashing sinks” are not required.

KAR 28-36-105. Water, plumbing and waste. Added a minimum of a 20 gallon waste water tank for mobile units.

KAR 28-36-106. Physical facilities. Made “outer openings protected” a critical item.

KAR 28-36-107. Poisonous or toxic materials. Adopted the 2005 “food code” as a reference document.

KAR 28-36-108. Compliance and enforcement. Amendments were made to clarify existing language.

KAR 28-36-109. Mobile food establishments, pushcarts, and temporary food establishments. This chapter was added to make it easier for mobile food establishments, pushcarts, and temporary food establishments to find the regulations pertaining specifically to these establishments.

**3. Is this regulation(s) mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?**

Yes \_\_\_\_

No X

**If yes, please explain.**

4. **Do the proposed regulations exceed the requirements of applicable federal law?**  
Yes \_\_\_\_\_ No X\_\_\_\_\_

5. **Description of Costs:**

a. **Cost to the agency:**

It is estimated to be less than \$10,000 for the cost of making the regulations available on CD and on the web.

b. **Cost to persons who will bear the costs and those who will be affected, (i.e., private citizens and consumers of the products or services) and are subject to the proposed rules and regulations or the enforcement:**

Those establishments that serve raw or undercooked foods from animal origin may have printing or reprinting costs to comply with consumer advisory.

c. **Costs to other governmental agencies or units:**

The Department of Agriculture which also uses these regulations will have some costs related to distribution of the regulations to their regulated establishments.

6. **Description of any less costly or less intrusive methods that were considered by the agency for the purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations.**

None

7. **Verification of economic impact statement with League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards.**

The above mentioned regulations were determined as appropriate for consultation as to the economic impact with the League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards, pursuant to KSA 77-416.

Yes\_\_\_\_\_

No X\_\_\_\_\_